

Response F 4.13: The respondent partially agrees with the finding.

- ♦ Performance appraisals: Standard forms are available for performance appraisals. However, standard forms should be updated and uniform application of performance appraisals implemented.
- ♦ Training and Development: A centralized training function resides in the County Administrative Office with the support of a department head committee.
- ♦ Position control: Under the County's current system, position control is primarily a centralized function controlled by the budget and related processes.
- ♦ Grievances, Complaints, and Discipline: Grievances and discipline are managed in accordance with the labor agreements (for represented employees), personnel policies (for non-represented employees), or contracts (for contract employees). Since disciplinary appeals and grievances are forms of litigation, oversight resides principally with the County Counsel's Office, which acts in coordination with departments and the Equal Opportunity Office. Departments routinely consult with County Counsel staff when considering and effecting discipline or responding to grievances. Appeals from departmental disciplinary actions and union appeals from denied grievances are handled by County Counsel. County Counsel maintains records regarding grievances and disciplinary cases, including appeals, selection of Arbitrators, Arbitration Awards and litigation, if a court case ensues.

REPORT TITLE: Human Resources
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R 4.1 – R 4.13

Recommendation R 4.1: *Monterey County senior executive managers should ensure that the current HR processes and procedures, and their associated manuals, are revised as necessary so that key HR functions are administered in a consistent, fair, and equitable manner across all departments.*

Response R 4.1: The recommendation has been implemented at various levels. Review of the HR organizational structure, the development of recommendations, and revised drafts of related documents have been underway since 2002. Actions taken include the drafting of a revised and updated Personnel Policies and Practices Resolution and several reviews of the HR organizational structure. Most recently, in 2006, the County formed a Department Head HR Steering Committee with the support of GFOA to create an “HR Roadmap” to transform County HR operations. The HR Roadmap will be complete in early 2007 and implementation of the HR Roadmap will follow. The HR Roadmap delineates a number of action items necessary to achieve the objectives Recommendation 4.1. It defines timelines, beginning with the publication of the final HR Roadmap, for those action items. In broad terms, action item timelines are grouped into the following categories: (1) within one year, (2) one to three years and (3) three to five years.

Recommendation R 4.2: *Monterey County senior executive managers should create a re-centralized HR Department that will provide Countywide consistency, accountability, and accuracy of HR processes. This should be done without substantially detracting from the individual department managers’ current level of HR recruitment, screening, and hiring services provided by their individual HR staff. These actions should be retained at the individual department level in order to address specific requirements of individual departments.*

Response R 4.2: The recommendation has not yet been implemented. This is an identified action item in the HR Roadmap, scheduled for completion in 2008. The HR Roadmap develops a strategy and implements systems to measure and improve consistency and reduce liability in the current partially decentralized environment (without detracting from the independence enjoyed by departments). This should result in a more clearly defined HR system.

Recommendation R 4.3: *In re-establishing a central HR department, focus should remain on maintaining and increasing levels of customer services that are currently provided by independent decentralized HR organizations spread throughout the County.*

Response R 4.3: The recommendation has not yet been implemented, but will be implemented. The County agrees that what works best for departments should be retained. Elements of the HR structure not meeting departmental needs should be reviewed, reformed, and continuously improved. Under a hybrid system the central HR function should focus on enhancing departmental operations, oversight, coordination, and improving departmental customer service. Many action items in the HR Roadmap

support this recommendation. Key action items that support the recommendation are scheduled for completion within one to three years after completion of the HR Roadmap.

Recommendation R 4.4: *A centralized HR department should have responsibility for implementation of Countywide programs such as Affirmative Action/EEOC, employee development (training), and HR professional development.*

Response R 4.4: The recommendation with respect to Affirmative Action/EEOC will not be implemented because it is unwarranted. The current configuration of the Equal Opportunity Office is preferred, with staff operating independent of centralized HR and individual departments, and directly responsible to the Board of Supervisors. (The Affirmative Action/EEOC programs were outside the scope of the HR Roadmap.)

The recommendation with respect to centralized employee development (training) will not be implemented because it is unwarranted. The current configuration is preferred, which is independent of centralized HR.

The recommendation with respect to HR professional development has not been implemented, but will be implemented. Specialized training for HR staff that professionalizes the HR function is desirable and will be incorporated in the HR Roadmap. The training will be coordinated by the central HR staff and provided in conjunction with select components of the HR Roadmap within one to three years of its finalization.

Recommendation R 4.5: *Personnel from the re-centralized HR Department, along with individual department managers and labor relations personnel, should participate in union negotiations in order to ensure that uniform Countywide HR policies and processes are articulated and maintained. These negotiations should include gaining union concurrence in evaluating and revising outdated job descriptions, revising classification analyses, and realigning or consolidating benefit packages.*

Response R 4.5: The recommendation has been implemented, with respect to participation of departments in negotiations. Departmental staff are and continue to be invited to join the management team in negotiations. The recommendation to negotiate concurrence on matters which are not within the scope of bargaining will not be implemented. See Recommendation 4.13. The recommendations to negotiate matters that are mandatory subjects of bargaining (benefit packages) have been implemented and continue to be implemented. The recommendation to discuss matters affecting job descriptions and classifications will, at the discretion of the Board of Supervisors, be implemented as those matters are brought forward.

Recommendation R 4.6: *Creation of a re-centralized HR Department should be undertaken in conjunction with the development of the CORE/Enterprise Financial System to ensure sufficient time is available to realign, modify, and fix the HR processes and procedures prior to integrating the HR system into the second phase of the County's CORE/Enterprise System implementation.*

Response R 4.6: The recommendation has not yet been implemented. The implementation of the HR Roadmap will be coordinated with the implementation of the HR/Payroll System, which is a component of the Enterprise Resource Planning (ERP) System. This is an identified action item in the draft HR Roadmap. In February 2007, the Board of Supervisors approved direct negotiations with CGI, the County's current financial system vendor, to upgrade and replace the existing HR/Payroll System with their new, redesigned, integrated ERP product that is based upon modern technology and incorporates best business practices. The new HR/Payroll System is targeted for initial production in early 2009 with additional phases to follow.

Recommendation R 4.7: *The re-centralized HR Department manager in conjunction with individual department managers should develop and introduce performance standards and metrics for HR effectiveness, at both the central and individual department levels, on a regular basis.*

Response R 4.7: The recommendation has not yet been implemented, but will be implemented in the future. This is an action item identified in the draft HR Roadmap. Implementation will begin in 2007, and is scheduled for completion in early 2008.

Recommendation R 4.8: *The re-centralized HR Department manager, in conjunction with individual department managers of HR employees, should work to establish specific performance objectives and professional career progression paths for each HR employee.*

Response R 4.8: The recommendation has not yet been implemented. This is an identified action item in the HR Roadmap and scheduled for completion by early 2008.

Recommendation R 4.9: *Monterey County needs to conduct reviews, validations, and revisions of outdated and inaccurate County job descriptions and classification analyses.*

Response R 4.9: The recommendation has not yet been implemented. This is an identified action item in the HR Roadmap and scheduled for completion by early 2008.

Recommendation R 4.10: *Monterey County needs to review and validate as well as update, realign, and consolidate benefit packages.*

Response R 4.10: The recommendation with respect to contracted or agreed upon benefits will not be implemented because it is unwarranted. The recommendation with respect to improved management of select benefit programs such as the short-term disability program and unemployment benefit program has not yet been implemented but will be implemented in the future. It is anticipated that action on this item will begin in 2007. The recommendation with respect to leave benefit programs has not been implemented but will be implemented in the future. It is anticipated that action on this item would be implemented in conjunction with deployment of the new ERP System.

Recommendation R 4.11: *Monterey County needs to establish a mandatory program of performance appraisals and evaluations for County managers and employees.*

Response R 4.11: The recommendation has not yet been implemented. This is an identified action item in the HR Roadmap with the goal of providing timely performance appraisals and evaluations for 100% of County managers and employees within three to five years after initial publication of the HR Roadmap in 2007. Additionally, it is anticipated that action on this item will begin after the classification reforms are completed.

Recommendation R 4.12: *Monterey County needs to consider establishing a Countywide integrated program that categorizes similar job skills into a single broad-band classification scheme regardless of department affiliation, in order to facilitate intra-county sharing of limited personnel assets across department boundaries.*

Response R 4.12: The recommendation has not yet been implemented. The County will investigate this recommendation when Recommendation 4.9 is completed.

Recommendation R 4.13: *Monterey County needs to negotiate with individual unions to establish comprehensive programs for Countywide employee development, performance evaluations and appraisals, merit pay increases, and revised job descriptions.*

Response R 4.13: The recommendation will not be implemented because it is not warranted or is not reasonable. Labor relations in Monterey County are governed by the provisions of the Meyers Milias Brown Act (MMBA), and overseen by the Public Employment Relations Board (PERB). Under the MMBA, the County is obligated to "meet and confer" (*i.e.*, negotiate) with respect to certain mandatory subjects of bargaining - wages, hours and working conditions. The term "working conditions" typically includes such subjects as: transfers; seniority; the effects of layoff; representation rights; and grievance procedures (this listing is not exhaustive). Anything that is not subject to mandatory bargaining is outside the scope of bargaining. Traditionally, this means that management does not bargain on these subjects unless it finds that it is in the public interest to do so.

With respect to job descriptions, it is a management right to determine job classifications and exercise complete control and discretion over the work to be performed.

Although merit wage increases may involve the "meet and confer" process (in the areas of structure and criteria used to determine whether an employee is qualified to receive a wage increase) since those factors affect wages, the decision whether to undertake such a program would fall outside the scope of the mandatory bargaining process.

In general, court opinion dictates that public entities are not required to bargain about subjects that are within managements' prerogative (management/county rights). This being said, the County recognizes the importance of countywide employee development, and plans to continue to develop training programs that will benefit both employee and

employer alike. The County encourages its staff and employees to participate in both internal and external (i.e., outside of the County) training programs. When appropriate unions' assistance in employee growth and development will be solicited.

The County has a longstanding performance evaluation policy, approved by the Board of Supervisors for both its probationary and permanent employees. For probationary employees, performance evaluations come at the 4th and 8th month, while for permanent employees; performance evaluations are an annual event. In both cases, the evaluations can provide an excellent tool by which to determine performance improvement plans and/or goal setting.

REPORT TITLE: Elected Officeholder's Residency Requirements
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F 7.1 – F 7.2

Finding F 7.1: *Review of "Monterey County Petition In Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms showed that two members of the Board of Supervisors, one Mayor, and two City Council members listed a business address as their residence.*

Response F 7.1: The respondent agrees with the finding, limited to the findings that apply to County of Monterey Board of Supervisor members, and relying on the investigation performed by the Grand Jury. To the extent that the findings apply to City Mayors or Council Members, the respondent does not have sufficient information or responsibility to determine the truth of the findings, and, therefore takes no position on those findings.

Finding F 7.2: *Visual surveys of residences of all Supervisors, Mayors, and City Council members who listed their business address as their address of residence indicated that all but one appeared to be a residence in addition to being a business. The one exception was a Pacific Grove City Council member who listed a business address that could not possibly be a residence.*

Response F 7.2: The respondent agrees with the finding, limited to the findings that apply to County of Monterey Board of Supervisor members, and relying on the investigation performed by the Grand Jury. To the extent that the findings apply to City Mayors or Council Members, the respondent does not have sufficient information or responsibility to determine the truth of the findings, and, therefore takes no position on those findings.

REPORT TITLE: Elected Officeholder's Residency Requirements
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendation R 7.2

Recommendation R 7.2: *The County Counsel, in conjunction with the Monterey County District Attorney, should review and determine the residency status of each member of the Board of Supervisors. If any member is found not to meet the residency requirements of the County, the Board of Supervisors member should be required to vacate his or her office.*

Response R 7.2: The County Counsel respectfully represents that it does not have a legal responsibility to enforce state or federal election laws. (Elections Code section 18000, et seq.; Government Code section 27642 [or 27640, et seq.]) Notwithstanding this, the recommendation has been implemented, and no remedial action is required.

REPORT TITLE: Monterey County 457 Eligible Deferred Compensation Plan
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F 8.1 – F 8.3

Finding F 8.1: *The contract between Monterey County and Great West for the management of the County's 457 Eligible Deferred Compensation Plan has been renewed or extended several times without competitive bid, and without formally evaluating other administrative service providers.*

Response F 8.1: The respondent agrees with the finding.

Finding F 8.2: *The transfer of the plan administration to the Treasurer-Tax Collector is expected to result in stronger County administration of the program.*

Response F 8.2: The respondent disagrees with the finding. The plan was not transferred to the Treasurer-Tax Collector. The plan administrator function was shifted from one person (Assistant County Administrative Officer) to a Committee (Monterey County Deferred Compensation Administrative Committee) comprised of County employees. This arrangement is not unusual. In the past, the plan administrator function has been carried out by a Committee of three, which included the County Administrative Officer (CAO), the Chief Assistant CAO, and the Assistant CAO. Beginning in 2004, significant activities were undertaken to strengthen the administration of the program. This included the engagement of experts to negotiate a more favorable 2-year extension for plan participants in 2005, assist in the review and drafting of bylaws, and the updating and correction of errors in the plan document. The new Committee is expected to continue in that direction.

Finding F 8.3: *Communications between the County and its employees regarding the plan have been insufficient.*

Response F 8.3: The respondent partially agrees with the finding. Resources available in the County Administrative Office are constrained to support this benefit at the desired level. Future contracts with firms such as Great West, should include provisions that insure that the contractor bears more of the responsibility to actively communicate with employees.

REPORT TITLE: Monterey County 457 Eligible Deferred Compensation Plan
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R 8.1 – R 8.4

Recommendation R 8.1: *Monterey County should put the contract for the County's 457 Eligible Deferred Compensation Plan up for competitive bid. This would lead to a greater likelihood of acquiring the best possible service at the lowest cost to the County.*

Response R 8.1: The recommendation has been implemented. A firm has been engaged and a timeline established to oversee the competitive bidding process. It is expected that the process will be completed in 2008.

Recommendation R 8.2: *Aon Consulting recommendations should be implemented.*

Response R 8.2: The recommendation will be implemented. Aon made a variety of recommendations that have been incorporated into the 457 Plan Bylaws and activities of the 457 Administration including the initiation of a competitive bidding process, which is anticipated to be complete in 2008.

Recommendation R 8.3: *The County should provide additional information to County employees regarding participation in the plan.*

Response R 8.3: This recommendation has been implemented. The Committee and the new Great West field representative have increased the number of communications sent to employees regarding the plan and will continue to do so into the future.

Recommendation R 8.4: *The new County plan administrator should continue to aggressively administer the plan according to County regulations.*

Response R 8.4: This recommendation will be implemented. The Monterey County Deferred Compensation Committee with the support of the County Administrative Office is actively administering the 457 Plan in accordance with the adopted bylaws.

REPORT TITLE: Food Service Inspections and Agricultural E. coli
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F 9.1 – F 9.12

Food Service Inspections:

Finding F 9.1: *Failure to correct the lack of salary parity has essentially established Monterey County as a “training ground” for environmental health personnel.*

Response F 9.1: The respondent agrees with the finding. Approximately 50% of all Environmental Health Specialist (EHS) have left the Environmental Health Division (EHD) in the last two years. This occurs most often after trainees pass the State of California Registered Environmental Health Specialist exam. Most of the departing EHS staff has taken higher paying positions at adjacent counties within the same job classifications.

Finding F 9.2: *Consumer Health Protection Service supervisors and employees are well educated, well trained to perform their duties, and dedicated to their jobs.*

Response R 9.2: The respondent agrees with the finding.

Finding F 9.3: *Insufficient salary, staffing, and funding, as well as excess overtime hours, have caused low morale to become a major issue with non-supervisory level Consumer Health Protection Service (CHPS) inspectors.*

Response F 9.3: The respondent agrees in part with the finding. The respondent disagrees that overtime has contributed to low morale. A review of available overtime records indicates that no single CHPS inspector has worked more than 14.5 hours of overtime during the period of May to December 2006 when overtime became available.

Finding F 9.4: *Training new health inspectors constitutes a substantial drain on department resources. This impact is exacerbated by the departure of approximately 50 percent of these employees who go to other county health departments within two years after completing their training.*

Response F 9.4: The respondent agrees with the finding.

Finding F 9.5: *One health inspector is insufficient to deal with the inspection issues found in and unique to East Salinas, such as home-cooked foods.*

Response F 9.5: The respondent disagrees with the finding. The inspection issues that currently exist in East Salinas are not unique. These same issues are found to exist throughout the City of Salinas, other Salinas Valley communities, and in most of the coastal communities. The CHPS retail food inspection program consists of approximately 2,000 permitted retail food facilities that are divided into 10 districts. Each district contains between 230-270 retail food facilities for each CHPS staff member. The goal of the EHD is to maintain a balance of workload among the district inspectors.

Finding F 9.6: *Lack of citation authority requires additional time and effort by health inspectors and the District Attorney's office.*

Response F 9.6: The respondent disagrees with the finding. The existing retail food inspection process requires an initial inspection for compliance with retail food safety standards and follow-up inspections to ensure that compliance has been attained. The CHPS staff works closely with facilities found to be in violation of retail food safety standards using an educational and progressive enforcement process that may lead to permit suspension or revocation. The need to refer cases to the District Attorney has been rare; only two cases were referred to the District Attorney in 2006.

Finding F 9.7: *Lack of enforcement of applicable codes allows residential overcrowding to exist.*

Response F 9.7: The respondent disagrees with the finding. Environmental Health inspectors enforce all applicable housing codes on a complaint basis in the cities and unincorporated areas of Monterey County where overcrowding conditions may contribute to the violations.

Finding F 9.8: *CHPS does not have the authority to impound catering trucks even when home-cooked foods are found.*

Response F 9.8: The respondent agrees with the finding. The California Health and Safety Code (CH&SC) contains preemptive regulations that address catering trucks and does not authorize the local enforcement agency to impound catering trucks. The CH&SC only allows the mobile equipment inside the catering truck to be impounded. It should be noted that impounding a catering truck would prevent the use of the vehicle by the owner or operator for food sales; however, the existing CH&SC authority to revoke a catering truck's Health Permit would also prevent the operation of a catering truck for food sales.

Agricultural E. coli:

Finding F 9.9: *The Monterey County Health Department Consumer Health Protection Services Division has taken a proactive stance in E. coli investigation.*

Response F 9.9: The respondent agrees with the finding. The EHD has established a proactive program within current staffing capabilities that includes the surveying of surface waterways, investigating illegal wastewater discharges, implementing a field toilet inspection program, enhancing compost facility inspections and the facilitation of cooperative partnerships with the Department of Health Services to perform surface water and soil sampling.

Finding F 9.10: *The Grand Jury concurs with the observation of the Monterey County Health Department Consumer Health Protection Services Division that contaminated fecal material enters the watershed due to runoff from animal-contaminated parcels or unrestricted animal access to tributaries such as Santa Rita Creek.*

Response F 9.10: The respondent agrees with the finding. Field observations by EHD staff have documented that conditions exist along surface waterways where fecal material may enter the watershed due to runoff from animal-contaminated parcels or unrestricted animal access to tributaries.

Finding F 9.11: *E. coli outbreaks traced back to produce grown in Monterey County have had and will continue to have a devastating financial impact on all of Monterey County.*

Response F 9.11: The respondent agrees with the finding.

Finding F 9.12: *During the September 2006 spinach E. coli outbreak the Monterey County Consumer Health Protection Service was diligent in keeping both federal and state agencies informed. However, this information flow was one way with federal and in some instances state agencies refusing to provide any information to Monterey County.*

Response F 9.12: The respondent agrees in part with the finding. The EHD has made a diligent effort to keep both federal and state agencies informed. However, it should be noted that the lack of federal or state information flow may be delayed due to their extended investigation process that requires an extensive review and analysis of data prior to the public release of the findings, rather than a refusal of federal or state agencies to provide this information. The respondent does agree that information flow has been lacking in certain instances when state or federal agencies have not notified the EHD that investigations are being initiated within Monterey County.

REPORT TITLE: Food Service Inspections and Agricultural E. coli
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R 9.1 – R 9.13

Food Service Inspections:

Recommendation R 9.1: *The Board of Supervisors should provide funding to hire one or more additional health inspectors to deal with health and inspection enforcement issues in East Salinas.*

Response R 9.1: The recommendation has not yet been implemented. An increase in staff levels would reduce the total retail food inspections assigned to each CHPS staff person. This would enable staff to more efficiently and effectively address illegal food vendors and other high priority issues throughout Monterey County. However, the total number of additional positions required to address emergent food safety issues throughout Monterey County requires additional study.

Recommendation R 9.2: *The Board of Supervisors should give Consumer Health Protection inspectors the authority to issue citations.*

Response R 9.2: The recommendation will not be implemented. Citation authority would not increase compliance with food safety laws, but could in fact result in an increase in the existing workload because of the added time necessary to process violations and prepare investigative reports. Currently, when a need arises to cite a food facility, staff contacts the Sheriff's Office or the appropriate police department who can dispatch an officer to issue a citation.

Recommendation R 9.3: *The Board of Supervisors should provide additional funding to the Gold Seal inspection program to implement the "Award of Excellence" inspection program.*

Response R 9.3: The recommendation has not yet been implemented. The additional cost of the Award of Excellence program would be minimal and the cost could be included in a future fee increase request.

Recommendation R 9.4: *The Consumer Health Protection Service should post restaurant inspection results on the Internet.*

Response R 9.4: The recommendation is in the process of being implemented. The current plan of the EHD is to post the results of all restaurant inspections on the Internet by fourth quarter 2007.

Recommendation R 9.5: *The Board of Supervisors should increase health inspector salaries to a level competitive with neighboring counties.*

Response R 9.5: The recommendation has not yet been fully implemented. The Board of Supervisors authorized parity adjustments for Health Inspectors to be implemented in April 2007.

Agricultural E. coli:

Recommendation R 9.6: *The Monterey County Health Department (MCHD) and the Consumer Health Protection Service should assure that a proactive stance is taken by all persons involved in the growth, processing, packaging, and shipment of Monterey County produce to ensure food safety.*

Response R 9.6: The recommendation will not be implemented. The EHD is not the regulatory agency charged with oversight of food safety assurance for the growth, processing, or packaging of produce. This authority rests with the State of California Department of Health Services, California Department of Food and Agriculture, and the Federal Food and Drug Administration. However, as resources permit and when requested, EHD will continue to assist and support these agencies in their efforts to promote and regulate overall food safety.

Recommendation R 9.7: *The Board of Supervisors should aggressively support the efforts of federal, state, and local health official inspections to trace E. coli sources.*

Response R 9.7: The recommendation has been implemented. The Board of Supervisors has directed the Health Department and the Environmental Health Division to continue their proactive surveying of surface waterways, investigating illegal waste water discharges, enhancing compost facility inspections and the facilitation of cooperative partnerships with the Department of Health Services to perform surface water and soil sampling.

Recommendation R 9.8: *The Board of Supervisors should establish and fund ongoing MCHD testing of floodplain agricultural property for E. coli contamination.*

Response R 9.8: The recommendation will not be implemented. EHD is the lead agency for food safety at retail food establishments only. The authority to conduct testing of this magnitude is the responsibility of the State of California Department of Health Services, California Department of Food and Agriculture, and/or the Federal Food and Drug Administration.

Recommendation R 9.9: *The Board of Supervisors should establish and fund ongoing MCHD on-site testing of all produce susceptible to E. coli contamination before harvesting.*

Response R 9.9: The recommendation will not be implemented. EHD is the lead agency for food safety at retail food establishments only. The authority to conduct testing of this magnitude is the responsibility of the State of California Department of Health Services, California Department of Food and Agriculture, and/or the Federal Food and Drug Administration.

Recommendation R 9.10: *The Board of Supervisors should establish and fund ongoing MCHD on-site testing for E. coli of all irrigation water supplies.*

Response R 9.10: The recommendation will not be implemented. EHD is the lead agency for food safety at retail food establishments only. The authority to conduct testing of this magnitude is the responsibility of the State of California Department of Health Services, California Department of Food and Agriculture, and/or the Federal Food and Drug Administration.

Recommendation R 9.11: *The Board of Supervisors should establish and fund ongoing MCHD tests of all watershed tributaries on or near floodplain farms and ranches for E. coli contamination.*

Response R 9.11: The recommendation will not be implemented. EHD is the lead agency for food safety at retail food establishments only. The authority to conduct testing of this magnitude is the responsibility of the State of California Department of Health Services, California Department of Food and Agriculture, and/or the Federal Food and Drug Administration.

Recommendation R 9.12: *MCHD in conjunction with the District Attorney's office should enforce existing requirements of Monterey County Code 10.41.020 prohibiting disposal of materials by dumping.*

Response R 9.12: The recommendation has been implemented. The EHD also facilitates the Illegal Dumping and Litter Abatement Task Force of Monterey County. The Task Force actively pursues solutions to illegal dumping and will propose an illegal dumping ordinance in 2007. Violators of existing codes prohibiting disposal are referred to the District Attorney's office for prosecution. In addition, the District Attorney's office and the EHD have developed a training program to facilitate future enforcement case preparation.

Recommendation R 9.13: *MCHD should promote the enforcement of existing requirements of California Health and Safety Code sections 116990 – 117075 to protect waterway contamination from cattle and other animals.*

Response R 9.13: The recommendation has been implemented. The EHD will continue to respond based on surveys and on a complaint basis to eliminate potential sources of contamination by filling any regulatory gaps that are not addressed by regional, state or federal agencies.

REPORT TITLE: West Nile Virus, Avian Influenza A H5N1, and Tuberculosis
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F 10.1 – F 10.8

Finding F 10.1: *Although there have been no reported human cases of WNV infection, the virus is present and a viable threat in Monterey County.*

Response F 10.1: The respondent agrees with the finding.

Finding F 10.2: *Both the Northern Salinas Valley Mosquito Abatement District and the Monterey County Health Department work to abate existing mosquito breeding sources and to prevent new ones from developing.*

Response F 10.2: The respondent agrees with the finding.

Finding F 10.3: *Chronic breeding sources are controlled through routine inspection and larvaciding of standing water, subdivision drains, sloughs, ravines, flood channels, and roadside ditches.*

Response F 10.3: The respondent agrees with the finding.

Finding F 10.4: *In Monterey County a pandemic could sicken hundreds of thousands of people. For Bird Flu to become a pandemic, it would have to become efficiently transmittable. As with West Nile Virus, the first indications of the arrival of Bird Flu would be the discovery of dead, infected migratory birds.*

Response F 10.4: The respondent disagrees in part with the finding. The identification of a dead and/or infected bird is but one of the two possible indications of the arrival of Avian Influenza. The other is the arrival of an infected person who has traveled from a geographic area where the virus has mutated to a form that is efficiently transmitted from human to human.

Finding F 10.5: *The Monterey County Department of Health has taken an aggressive and proactive posture in preparation for any Bird Flu pandemic.*

Response F 10.5: The respondent agrees with the finding.

Finding F 10.6: *Education of the public concerning the threat of WNV and Bird Flu is a primary goal of the County Health Department.*

Response F 10.6: The respondent agrees with the finding.

Finding F 10.7: *Education of the public concerning tuberculosis and how it is transmitted from human to human becomes more important as new strains of antibiotic-resistant TB are found in California.*

Response F 10.7: The respondent agrees with the finding.